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DISTRICT OF MARYLAND

OCT - 6 2020

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

DEPUTY

UNITED STATES OF AMERICA, * CRIM. CASE NO.
RESPONDENT, CCB-15-0557

VS.

*

CIVIL ACTION NO.

DONTA BETTS, * CCB-19-2515
PETITIONER,SUPPLEMENT TO 28 USC 2255 MOTION

COMES NOW PETITIONER DONTA BETTS, ACTING IN PRO-SE AND RESPECTFULLY FILES THIS SUPPLEMENT TO ADD 5 CLAIMS OF DENIAL OF FUNDAMENTAL CONSTITUTIONAL RIGHTS TO PETITIONER'S 28 USC 2255 MOTION.

SUPPLEMENTAL GROUND ONE: DENIAL OF EFFECTIVE ASSISTANCE OF COUNSEL

SUPPORTING FACTS: IN THIS CASE THE UNITED STATES EMPLOYED POST-ARREST PHONE CONVERSATIONS TO SUPERCEDE INDICTMENT AND THEREAFTER CHARGE THE PETITIONER WITH AN 18 USC 924(C) CHARGE FOR THE USE OF A FIREARM DURING AND IN RELATION TO DRUG TRAFFICKING.

THIS TACTIC BY THE PROSECUTION TO UNLAWFULLY CONVICT PETITIONER BASED ON POST-ARREST ADMISSIONS

BY THE PETITIONER VIOLATES THE CORPUS DELICTI DOCTRINE
ESTABLISHED BY THE SUPREME COURT IN SMITH V. U.S.
(1954).

COUSSEY'S FAILURE TO ADVISE PETITIONER AND/OR OBJECT
TO THE VIOLATION OF CORPUS DELICTI DOCTRINE IN THE GUILTY
PLEA AND RULE 11, PROCEEDINGS CONSTITUTES INEFFECTIVE
ASSISTANCE OF COUNSEL. BOTH TRIAL AND APPELLATE COUNSEL,
IN THE ALTERNATIVE, HAD PETITIONER BEEN ADVISED OF THE
CORPUS DELICTI DEFENSE DURING THE NEGOTIATION OF
THE GUILTY PLEA, HE WOULD NOT HAVE PLEADED GUILTY
AND WOULD HAVE PROCEEDED TO TRIAL.

THIS SUPPLEMENTAL GROUND RELATES BACK TO
GROUND 1, 3, 6, AND 7 OF THE INITIAL 2255 MOTION
FOR PURPOSES OF RULE 15(c), FED. R. CIV. P.
PETITIONER WAS DAPED INTO PLEADING GUILTY IN
VIOLATION OF THE 5th, 6th, AND 13th AMENDMENTS TO
THE U.S. CONSTITUTION, ABUSE OF PROCESS.

SUPPLEMENTAL GROUND TWO: DENIAL OF EFFECTIVE
ASSISTANCE OF COUNSEL

SUPPORTING FACTS: SIMILARLY, IN THIS CASE THE UNITED
STATES CHARGED PETITIONER FOR 924(c) WITHOUT
CHARGING THE CORRESPONDING PREDICATE ACT OF
DANG. TEA ENJOYING 21 USC 841.

THIS TACTIC BY THE GOVERNMENT OF CHARGING THE
PETITIONER OF 924(c) WITHOUT CORPUS DELICTI OF
DANG. OFFENSE ALSO VIOLATES THE CORPUS DELICTI

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DOCTRINE AND THE DUE PROCESS REQUIREMENTS OF 18 USC 924(e) AND BURDEN OF PROOF, AND INSTANT NOTICE. COUNSEL'S FAILURE TO ADVISE PETITIONER AND/OR OBJECT TO THE VIOLATION OF CORPUS DELICTI DOCTRINE AND 18 USC 924(e) CHARGING AND BURDEN OF PROOF REQUIREMENTS IN THE GUILTY PLEA AND RULE 11 PROCEEDINGS CONSTITUTE INEFFECTIVE ASSISTANCE OF BOTH TRIAL AND APPELLATE COUNSEL. IN THE ALTERNATIVE, HAD PETITIONER BEEN ADVISED OF THE CORPUS DELICTI DO-

FENSE AND 924(e) REQUIREMENTS AND BURDEN OF PROOF DURING THE NEGOTIATION OF THE GUILTY PLEA, HE WOULD NOT HAVE PLEADED GUILTY AND WOULD HAVE PROCEEDED TO TRIAL.

THIS SUPPLEMENTAL GROUND RELATES BACK TO GROUNDS 1, 3, 6, AND 7 OF THE INITIAL 225 MOTION FOR PUR-

POSES OF RULE 15(c), FED. R. CIV. P.

PETITIONER WOULD HAVE BEEN PLEADING GUILTY IN VIOLA-

TION OF THE 5TH, 6TH, AND 13TH AMENDMENTS TO THE U.S.

CONSTITUTION, ABUSE OF PROCESS.

SUPPLEMENTAL GROUND THREE: DENIAL OF EFFECTIVE

ASSISTANCE OF COUNSEL

SUPPORTING FACTS: IN THIS CASE THE UNITED

STATES CHARGED PETITIONER FOR ALLEGEDLY MAKING

AN EVIDENTIARY DEVICE IN VIOLATION OF 5861(f).

PETITIONER WAS NOT ADVISED BY HIS COUNSEL THAT

AFTER THE SUPREME COURT DECISIONS OF LOPEZ, JONES,

AND MORRISON THE MAKING OF AN EVIDENTIARY DEVICE

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HAS NO AFFECT ON COMMITTEE FOR FEDERAL JUDS.
 DICTION PARAPSES. SEE BACINGER V. U.S., F3d —
 (7th Cir —).

HAD PETITIONER BEEN ADVISED OF THIS JURISDICTIONAL
 DEFENSE AVAILABLE HE WOULD NOT HAVE PLEAD GUILTY IN
 PETITIONER WAS DIPPED INTO PLEADING GUILTY IN
 VIOLATION OF THE 5th, 6th, AND 13th AMENDMENT TO
 THE U.S. CONSTITUTION, ABUSE OF PROCESS.

SUPPLEMENTAL Ground Four: DENIAL OF EFFECTIVE
 ASSISTANCE OF COUNSEL

SUPPORTING FACTS: IN THIS CASE THE UNITED STATES
 CHARGED PETITIONER FOR ASSAULT UNDER 18 USC 844(l).
 HOWEVER, THERE IS NO PROOF OF FEDERAL ASSELT.
 PETITIONER WAS NOT ADVISED BY HIS COUNSEL
 THAT THE ASSAULT OF STATE PROPERTY DOES NOT CON-
 STITUTE A FEDERAL OFFENSE. SEE MUHAMMAD V. U.S.,
 F3d — (10th Cir —).

HAD PETITIONER BEEN ADVISED OF THIS JURISDICTIONAL
 DEFENSE AVAILABLE HE WOULD NOT HAVE PLEAD GUILTY IN
 PETITIONER WAS DIPPED INTO PLEADING GUILTY IN
 VIOLATION OF THE 5th, 6th, AND 13th AMENDMENT TO
 THE U.S. CONSTITUTION, ABUSE OF PROCESS.

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SUPPLEMENTAL GRAMM FIVE: DENIAL OF EFFECTIVE

ASSISTANCE OF COUNSEL

SUPPORTING FACTS: IN THIS CASE THE UNITED STATES
IMPERMISSIBLY JOINED COUNT ONE AND COUNT TWO.
PETITIONER WAS NOT ADVISED BY HIS COUNSEL
THAT THE JOINER OF COUNTS ONE AND COUNT TWO
WAS AN IMPROPER JOINER OF OFFENSES BECAUSE
THEY ARE NOT RELATED AND OFFENSES OCCURRED ON
SEPARATE DATES.

HAD PETITIONER BEEN ADVISED OF THE IMPROPER
JOINER DEFENSE AVAILABLE HE WOULD NOT HAVE PLEADED
GUILTY.

PETITIONER WAS DUPED INTO PLEADING GUILTY IN
VIOLATION OF THE 5TH, 6TH, AND 13TH AMENDMENT TO
THE U.S. CONSTITUTION, ABUSE OF PROCESS.

TIMELINESS OF CLAIMS

THE 13TH AMENDMENT PERCLUDES ANY APPLICA-
TION OF TIME BAR. SEE U.S. V. MORGAN, 222 F.2D
673 (2ND CIR 1955) U.S. EX REL. CAMARITO V. MURPHY,
222 F.2D 698 (2ND CIR 1955) (LACK OF EVIDENCE
OF GUILT), VIOLATION OF 13TH AMENDMENT.

REQUEST FOR AN EVIDENTIARY HEARING

MOVANT IS REQUESTING AN EVIDENTIARY HEARING BECAUSE IF MOVANT'S CLAIMS TAKEN AS TRUE HE IS ENTITLED TO RELIEF.

REQUEST FOR APPOINTMENT OF COUNSEL

IN LIGHT OF THE 13th AMENDMENT CON-
CRUITS ALLEGED, THE PETITIONER REQUESTS THE
APPOINTMENT OF COUNSEL TO EVEN THE PLAYING
FIELD IN THIS LITIGATION.

CONCLUSION

WHEREFORE, THIS COURT SHOULD APPOINT
COUNSEL AND CONDUCT AN EVIDENTIARY
HEARING AND THEREAFTER GRANT PETITIONER'S
28 USC 2255 MOTION.

DATED ON THIS 28th DAY OF SEPTEMBER, 2020.

RESPECTFULLY SUBMITTED

BY _____

DONTA BETTS
59165-037

AUSA THOMSON

P.O. BOX 1001

THOMSON, ILLINOIS 61281

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT ON THE 28th DAY OF
SEPTEMBER, 2020, A TRUE AND CORRECT COPY OF THE
FORGIVING WAS MAILED TO AUSA MATTHEW J. MADDOX
AT THE U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF
MARYLAND.

BY

DONTA BETTS